93-5045

EDITOR'S NOTE

This court has not yet denied review in this case, but it is being handled here as a CD because the effect of denying the petition to proceed *in forma pauperis* is to deny its further consideration by the court unless the petitioner who has already indicated that he has no assets pays the docketing fee and it proceeds as a paid case. The court's action in this matter may be of sufficient interest to warrent its inclusion in this service even though it technically falls outside of our normal coverage criteria.

Although this case is being covered here, separate fiche are not being provided for the other cases covered by this order. Our editors believe that this one case is sufficient to illustrate the court's belief that all of the cases are "patently frivolous."

ORIGINAL

In the
SUPREME COURT OF THE UNITED STATES
October Term, 1992
No.

98-5045

GEORGE SASSOWER,
Petitioner,
-against-
KREINDLER & RELKIN, P.C.; CITIBANK, N.A.; JEROME H. BARR; LEE FELTMAN; FELTMAN, KARESH & MAJOR; HOWARD M. BERGSON; ROBERT ABRAMS; EUGENE H. NICKERSON; THOMAS J. MESKILL; WILFRED FEINBERG; HELEN KAUFMAN, as executrix of the Estate of IRVING KAUFMAN; JAMES L. OAKES; CHARLES L. BRIEANT; FRANCIS T. MURPHY; XAVIER C. RICCOBONO; ANDREW J. MALONEY; WEST PUBLISHING COMPANY; MEAD DATA CENTRAL, INC.; and LAWYERS CO-OPERATIVE PUBLISHING COMPANY,
Respondents.

PETITION FOR A WRIT OF CERTIORARI
to the
U.S. CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, GEORGE SASSOWER, asks leave to file the these proceedings without prepayment of costs and to proceed by constraint in forma pauperis.

Petitioner's affidavit in support of this motion is attached hereto.

Dated: June 25, 1993

GEORGE SASSOWER
Petitioner, pro se
16 Lake Street
White Plains, N.Y. 10603
(914) 949-2126

Supreme Court, U.S.
FILED
6-30-1993
OFFICE OF THE CLERK

ORIGINAL

In the

SUPREME COURT OF THE UNITED STATES
October Term, 1992
No.

GEORGE SASSOWER,
Petitioner,
-against-
KREINDLER & RELKIN, P.C.; et al.,
Respondents.

PETITION FOR A WRIT OF CERTIORARI
to the
U.S. CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

AFFIRMATION IN SUPPORT OF MOTION FOR
LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, under penalty of perjury, in support of his motion to proceed, without being required to prepay fees, costs or give security therefor, state that because of poverty affirmant is unable to pay the costs of said proceeding or to give security therefor; that petitioner is entitled to redress; and that the issues which affirmant desires to present are set forth in affirmant's accompanying papers.

Affirmant further affirms under penalty of perjury that the responses which affirmant has made to the questions and instructions below relating to his ability to pay the cost or prosecuting the appeal are true.

Affirmant further contends that because the judiciary has unconstitutionally frozen my assets, as demonstrated in the petition and contemporaneous motions the courts are estopped from denying in forma pauperis relief.

Petitioner was permitted to proceed in forma pauperis in the courts below.

1Q. Are you presently employed?

A. Affirmant is not presently employed. Affirmant has always been self-employed and his last income from such self-employment was about October of 1989 and was approximately $500 that month.

2Q. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source?

A. Affirmant receives $393 per month Social Security benefits; $111 per month food stamps; and about $20 per month miscellaneous income.

3Q. Do you own any cash or checking or savings accounts?

A. The amount of cash that affirmant has on hand is about $50, approximately $35 in his checking account, and $15 in food stamps.

4Q. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing).

A. None, except for monies due affirmant pursuant to a judgment and various claims, liquid and unliquidated, which affirmant has been unable to collect because affirmant is denied access to the courts and for other unconstitutional reasons.

5Q. List the persons who are dependent upon you for support and state your relationship to those persons.

A. Affirmant's youngest daughter, Lizbeth A. Sassower, but affirmant is not supporting her because of affirmant's present financial situation.

Affirmant understands that a false statement in this affirmation will subject affirmant to the penalties for perjury.

Dated: June 25, 1993

GEORGE SASSOWER

CERTIFICATION OF SERVICE

On June 26, 1993 I served a true copy of this Notice of Motion and Affirmation by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to Solicitor General of the United States, Department of Justice, Washington, D.C. 20530; Kreindler & Relkin, P.C., 350 Fifth Avenue, New York, NY 10118; NY State Atty. Gen. Robert Abrams, 120 Broadway, New York, NY 10271, that being their last known addresses.

Dated: June 26, 1993

GEORGE SASSOWER

ORIGINAL

In the
SUPREME COURT OF THE UNITED STATES
October Term, 1992
No.

GEORGE SASSOWER,
Petitioner,
-against-
KREINDLER & RELKIN, P.C.; CITIBANK, N.A.; JEROME H. BARR; LEE FELTMAN; FELTMAN, KARESH & MAJOR; HOWARD M. BERGSON; ROBERT ABRAMS; EUGENE H. NICKERSON; THOMAS J. MESKILL; WILFRED FEINBERG; HELEN KAUFMAN, as executrix of the Estate of IRVING KAUFMAN; JAMES L. OAKES; CHARLES L. BRIEANT; FRANCIS T. MURPHY; XAVIER C. RICCOBONO; ANDREW J. MALONEY; WEST PUBLISHING COMPANY; MEAD DATA CENTRAL, INC.; and LAWYERS CO-OPERATIVE PUBLISHING COMPANY,
Respondents.

RECEIVED
JUN 30 1993
OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR A WRIT OF CERTIORARI
to the
U.S. CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION

PRELIMINARY STATEMENT

1a. Petitioner, admitted to the bar in 1949, in a two week period was convicted three times of non-summary criminal contempt, with substantial fines and/or terms of incarceration imposed thereon, each proceeding prosecuted by his adversaries who had engineered the larceny of judicial trust assets.

b. Each of these three convictions, state and federal, were without a trial, without the opportunity for a trial, without any confrontation rights, in absentia, without due process, without the right of allocution, without any live testimony in support thereof, and without any constitutional or legal waiver of any right.

c. When petitioner refused to remain silent on the subject of judicial criminal activities, these manifestly unconstitutional convictions were escalated, ex post facto, from "offenses" to "serious" crimes, petitioner was not permitted to controvert the legality of these convictions, and he was disbarred.

2a. To advance and conceal these criminal racketeering activities, petitioner was denied access to the courts, state and federal, absent judicial permission, invariable denied, even when the relief sought is constitutionally compelled.

b(1) Notwithstanding petitioner's disbarment, he continues to expose judicial racketeering activities which, in addition to the larceny of judicial trust assets, includes the diversion of monies payable "to the federal court" to private pockets, extortion, obstruction of criminal investigations, and similar activities.

(2) Only full restitution to all the victims of these judicial rackets in which petitioner has fiduciary obligations, will silence petitioner, nothing less!

3a. This proceeding, based upon the federal trialess conviction, was initiated by an "application for permission to file", accompanied by a petition, and an application for a preliminary injunction.

b. Petitioner's petition alleged as follows:

> " 4a. This petition for, inter alia, a writ of error coram nobis is brought as a matter of right, and access to the courts for such relief, is of constitutional magnitude.
>
> b. Relief, in the nature of a writ of error coram nobis, does not exclude available remedies under FRCivP 60(b)[4] and a Rule 60(b) independent proceeding."

4a. Petitioner's leave to file was denied by the U.S. Magistrate Judge (A1) and by the District Court Judge (A2-3).

5. Although petitioner filed a motion for leave to file in the Circuit Court on April 12, 1993, as evidenced by the Court's acknowledgment thereon (A-4), the Circuit Court, one month thereafter, dismissed the appeal, concocting an assertion that leave had not been applied for (A-5).

QUESTIONS PRESENTED

1. In view of Article III, §2[1] of the United States Constitution, can petitioner be denied the right to file a proceeding which seeks:

a. An original writ of error coram nobis based on a federal conviction for an "offense", thereafter escalated, for unconstitutional reasons to a "serious" crime, resulting in petitioner's disbarment (United States v. Morgan, 346 U.S. 502 [1954]; cf. United States v. Nachtigal, 507 U.S. , 113 S.Ct. 1072 [1993])?

b. Restitution, where monetary sanctions under a non-summary criminal contempt conviction, were to be paid "to the federal court", were diverted to private pockets, including those monies paid on behalf of petitioner?

c. A FRCivP Rule 60(b)[4] order declaring to be null and void a non-summary criminal contempt conviction which was rendered without a trial, without the opportunity for a trial, without any confrontation rights, in absentia, without due process, without the right of allocution, without any live testimony in support thereof, and without any constitutional or legal waiver of any right (Crosby v. U.S., 506 U.S. , 113 S.Ct. 748 [1993]; Klapprott v. U.S., 335 U.S. 601 [1949]; Nye v. U.S., 313 U.S. 33 [1941])?

d. FRCivP Rule 60(b) independent relief where the evidence reveals egregious criminal racketeering activities at the District Court and Circuit Court levels?

e. Equitable relief against WEST PUBLISHING COMPANY ["West/Westlaw"], MEAD DATA CENTRAL, INC. ["Lexis"], and LAWYERS CO-OPERATIVE PUBLISHING COMPANY ["LCPC"], who have never claimed First Amendment rights, for republishing and distributing the aforementioned conviction, as purportedly valid, when they actually know of its constitutional and jurisdictional infirmities, and the constitutional injuries causes to petitioner thereby?

f. Constitutional and common law tort damages.

THE PARTIES and/or ATTORNEYS

GEORGE SASSOWER
Petitioner, pro se.
16 Lake Street,
White Plains, NY 10603
(914) 949-2169

KREINDLER & RELKIN, P.C.
Respondent
350 Fifth Avenue,
New York, NY 10118
(212) 279-5100

Atty. Gen. Robert Abrams
120 Broadway
New York, NY 10271
(212) 341-2000

OPINION BELOW

Opinion of U.S. Magistrate Judge (2/2/93) A-1
Opinion of U.S. District Court (3/1/93) A-2
Petition's Application for Leave Filed (4/12/93) A-4
Cir. Ct. Dismissal for Failure to File for Leave (5/12/93) A-5

CONSTITUTIONAL AND STATUTORY PROVISIONS

1. Article III of the U.S. Constitution provides:

" ... §2[1] The judicial power shall extend in all cases, in law and equity, arising under this Constitution, the Laws of the United States ...." [emphasis supplied]

2. Amendment I of the U.S. Constitution provides: "Congress shall make no law ... the right of the people ... to petition the Government for a redress of grievances."

3. Amendment V of the U.S. Constitution provides:

"No person shall ... , nor shall any person be subject for the same offense to be tvice put in jeopardy of life or limb; ... nor be deprived of ... liberty, or property, without due process of law ... ."

4. Amendment VI of the U.S. Constitution provides:

"In all criminal prosecutions, the accused shall enjoy the right to a ... public trial ... to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor ... ."

TABLE OF AUTHORITIES

Crosby v. U.S. iv
506 U.S. , 113 S.Ct. 748 [1993]

Dennis v. Sparks 2
449 U.S. 24 [1980]

Doe v McMillan 1
412 U.S. 306 [1973]

Grievance Committee v. Sassover 1
125 A.D.2d 52, 512 N.Y.S.2d 203 [2d Dept.-1987]

Hazel-Atlas v Hartford 2
322 U.S. 238 [1944]

Kansas v. Colorado 2
206 U.S. 46, 82 [1907]

Klapprott v. U.S. iv
335 U.S. 601 [1949]

Lovenschuss v. West 1
542 F2d 180 [3rd Cir.-1976]

Martin v. Wilks 3
490 U.S. 755 [1989]

Nye v. U.S. iv
313 U.S. 33 [1941]

Raffe v. Doe 3
619 F. Supp. 891 [SDNY-1985]

Sassover, Matter 1, 2
700 F. Supp. 100 [SDNY-1988]

United States v. Morgan iv
346 U.S. 502 [1954]

United States v. Nachtigal iv
507 U.S. , 113 S.Ct. 1072 [1993]

JURISDICTION OF THE SUPREME COURT

28 U.S.C. §1254[1]

STATEMENT OF THE CASE

1. Petitioner, a born American citizen, desires access to the U.S. District Court, in order to present for judicial determination, on their merits, federal issues not barred by res judicata, or any immunities.

2. As part of his desired filing in the U.S. District Court, petitioner requested, on notice without opposition, a preliminary injunction against West/Westlaw, Lexis, and LCPC, whose publishing and distribution activities can be fairly attributable to government, to be enjoined from republishing this federal conviction (e.g., Grievance Committee v. Sassower, 125 A.D.2d 52, 512 N.Y.S.2d 203 [2d Dept.-1987]; Matter of Sassower, 700 F. Supp. 100 [SDNY-1988]), in its false and deceptive manner, without publishing its constitutional and jurisdictional infirmities, and which are causing petitioner constitutional injuries (cf. Doe v McMillan, 412 U.S. 306 [1973]: Lowenschuss v. West, 542 F2d 180 [3rd Cir.-1976]).

3a. The right to file a complaint in the federal court is absolute, even where no federal issue is involved, or relief barred by federal sovereign or Eleventh Amendment state immunity.

b. Jurisdictional issues, e.g., the absence of federal issues, federal sovereign or Eleventh Amendment state immunities, are issues for judicial determination, after a petition or complaint has been filed (Kansas v. Colorado, 206 U.S. 46, 82 [1907]).

c. In any event, those jurisdictional bars, are not here present.

4a. No U.S. District or Circuit court or judge has the authority to deny access to the courts to a particular person, irrespective of the claims made, unless barred by res judicata, here absent.

b. No U.S. District or Circuit court or judge has the authority to immunize himself, his colleagues, or their co-conspirators (cf. Dennis v. Sparks, 449 U.S. 24 [1980]) for perpetrating judicial frauds (Hazel-Atlas v Hartford, 322 U.S. 238 [1944]), including diverting monies payable "to the federal court" to the pockets of their cronies.

5a. In Matter of Sassower (700 F. Supp. 100 [EDNY-1988]) U.S. District Court Judge I. LEO GLASSER ["Glasser"] perpetrated a published judicial fraud by intentionally and deliberately omitting the jurisdictional and constitutional infirmities in petitioner's three convictions, including the one at issue herein.

b. Under a record that was inundated with the uncontroverted and documentary evidence of fraud and corruption, of a criminal magnitude, Judge Glasser republished this trialess conviction, omitting its infirmities, by stating:

> "There is nothing in the record of the state proceeding or in the submission by Mr. Sassower to suggest that there was an infirmity in the proof of his misconduct or that he was deprived of procedural due process or that a grave injustice would result by the imposition of discipline by the imposition of discipline by this court." [emphasis supplied]

6a. In Raffe v. Doe (619 F. Supp. 891 [SDNY-1985]), which was also cited by the District Court, the uncontroverted, documentary evidence, reveals that there was no subject matter jurisdiction, no personal jurisdiction, no due process, and inundated with fraud and corruption.

b. In view of the massive larceny of judicial trust assets, the court-appointed receiver could not render an accounting, a mandatory condition for his discharge and the discharge of his surety, without further exposing the judicial involvement therein, which "accounting" cannot be waived, enjoined or excused by any court or judge.

c. The published opinion concealing, the lack of personal jurisdiction over petitioner (Martin v. Wilks, 490 U.S. 755 [1989]) is the "mother of all judicial frauds".

REASONS FOR THE ISSUANCE OF THIS WRIT

As this and other related proceedings reveals the unbridled constitutional right to file a petition and/or complaint in the federal courts, and obtain an adjudication, is now being limited so as to exclude those who expose judicial corruption.

Either this Court remedy the extant corruption in the Second Circuit, or the media will.

Dated: June 25, 1993

GEORGE SASSOWER
Petitioner, pro se
16 Lake Street,
White Plains, N.Y. 10603
(914) 949-2169

CERTIFICATION OF SERVICE

On June 26, 1993 I served a true copy of this Petition by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to Solicitor General of the United States, Department of Justice, Washington, D.C. 20530; Kreindler & Relkin, P.C., 350 Fifth Avenue, New York, NY 10118; NY State Atty. Gen. Robert Abrams, 120 Broadway, New York, NY 10271, that being their last known addresses.

Dated: June 26, 1993

GEORGE SASSOWER

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
----------x

GEORGE SASSOWER,
Petitioner-Plaintiff,
-against-
KREINDLER & RELKIN, P.C.; CITIBANK, N.A.; JEROME H. BARR; LEE FELTMAN; FELTMAN, KARESH & MAJOR; HOWARD M. BERGSON; ROBERT ABRAMS; EUGENE H. NICKERSON; THOMAS J. MESKILL; WILFRED FEINBERG; HELEN KAUFMAN, as executrix of the Estate of IRVING KAUFMAN; JAMES L. OAKES; CHARLES L. BRIEANT; FRANCIS T. MURPHY; XAVIER C. RICCOBONO; ANDREW J. MALONEY; WEST PUBLISHING COMPANY; MEAD DATA CENTRAL, INC.; and LAWYERS CO-OPERATIVE PUBLISHING COMPANY,
Respondents-Defendants.
----------x

Docket No.

MISC. 93

This affirmation, made under penalties of perjury, is in support of an application for permission to file this proceeding, which is made as a matter of constitutional right, and where permission cannot be lawfully withheld.

This proceeding, seeks relief under, inter alia, a writ of error coram nobis and constitutionally needs no permission (United States v. Morgan, 346 U.S. 502 [1954]).

The grounds that compel, as a matter of law, a grant of the relief requested are multiple and are set forth in affirmant's petition-complaint.

WHEREFORE, it is prayed that this application be granted.

Dated: December 16, 1992

GEORGE SASSOWER (GS-0512)
Petitioner, pro se
16 Lake Street,
White Plains, NY 10603
914-949-2169

Application for permission to file this proceeding is denied pursuant to Raffe v. Citibank N.A. et al, 1989 US Dist LEXIS 2901, 84 CV 0305 (EDNY 1989). No docket number shall be assigned, these papers shall be deemed a motion and named defendants are not required to answer or otherwise respond.
So Ordered. Feby 2, 1993 By W. Carter USMJ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

GEORGE SASSOWER,

Petitioner-Plaintiff,

- against -

KREINDLER & RELKIN, P.C.; CITIBANK, N.A.; JEROME H. BARR; LEE FELTMAN; FELTMAN, KARESH & MAJOR; HOWARD M. BERGSON; ROBERT ABRAMS; EUGENE H. NICKERSON; THOMAS J. MESKILL; WILFRED FEINBERG; HELEN KAUFMAN, as executrix of the Estate of IRVING KAUFMAN; JAMES L. OAKES; CHARLES L. BRIEANT, FRANCIS T. MURPHY; XAVIER C. RICCOBONO; ANDREW J. MALONEY; WEST PUBLISHING COMPANY; MEAD DATA CENTRAL., INC.; and LAWYERS CO-OPERATIVE PUBLISHING COMPANY,
Respondents-Defendants.
----------X

MEMORANDUM
AND ORDER
93 Misc 004

A P P E A R A N C E S:

George Sassower
Petitioner, Pro Se
16 Lake Street
White Plains, New York 10603

HURLEY, District Judge

Plaintiff in the above-referenced action has moved for an order reversing Magistrate Judge Carter's determination that he be denied permission to file the instant action. In Raffe v. Citibank N.A., et al., 1989 WL 27474, No. 84 Civ. 305 (E.D.N.Y. March 16, 1989), then-District Judge McLaughlin ordered the Clerk of this Court "not to accept for filing any paper or proceeding or motion or new case of any kind presented

by Mr. George Sassower, or naming him as a party plaintiff or petitioner, without the leave in writing first obtained from a judge or magistrate." Id. at 1; see also In re Sassower, 700 F. Supp. 100 (E.D.N.Y. 1988) (District Judge Glasser disbarred Sassower from practicing before this Court).

In Raffe v. John Doe, 619 F. Supp. 891, 898 (E.D.N.Y. 1985), District Judge Conner enjoined Sassower from filing, serving or attempting to intervene in an action relating to, inter alia, Citibank, N.A., Kreindler & Relkin, and Karesh & Major. Having reviewed the complaint in the instant action, which names as defendants, inter alia, Citibank, N.A., Karesh & Major, and Kreindler & Relkin, the Court upholds Magistrate Judge Carter's ruling and declines to allow plaintiff to proceed with this action. Accordingly, no docket number shall be assigned, and the papers filed to date shall be deemed a nullity.

SO ORDERED.

Dated: Brooklyn, New York
March 1, 1993

DENIS R. HURLEY, U.S.D.J.

A3

United States Court of Appeals
FOR THE SECOND CIRCUIT

George Sassower v. Kreindler & Relkin, P.C.

Use short title

93-6082
93-MISC-0004 (DNH)

NOTICE OF MOTION

to state type of motion: Leave to File.

MOTION BY: (Name, address and tel. no. of law firm and of attorney in charge of case)

GEORGE SASSOWER
[illegible]
Plains, NY 10603-3502
914-949-2169

OPPOSING COUNSEL: (Name, address and tel. no. of law firm and of attorney in charge of case)

Pro inside

Has consent of opposing counsel:		
A been sought?	☐ Yes	☒ No
B been obtained?	☐ Yes	☒ No
Has service been effected?	☒ Yes	☐ No
Is oral argument desired?	☐ Yes	☐ No
(Substantive motions only)		
Requested return date: —		
(See Second Circuit Rule 27(b))		
Has argument date of appeal been set:		
A by scheduling order?	☐ Yes	☒ No
B by firm date of argument notice?	☐ Yes	☒ No
C If Yes, enter date:		

EMERGENCY MOTIONS, MOTIONS FOR STAYS & INJUNCTIONS PENDING APPEAL

Has request for relief been made below? (See F.R.A.P. Rule 8)	☐ Yes	☐ No
Would expedited appeal eliminate need for this motion?	☐ Yes	☐ No
If No, explain why not:		
Will the parties agree to maintain the status quo until the motion is heard?	☐ Yes	☐ No

Judge or agency whose order is being appealed: Judge Denis R. Hurley

Brief statement of the relief requested: Leave to file.

Complete Page 2 of This Form

By (Signature of attorney)

Appearing for (Name of party): George Sassower

Date 4/1/93

Appellant or Petitioner: ☒ Plaintiff ☐ Defendant
Appellee or Respondent: ☐ Plaintiff ☐ Defendant

Signer's name must be printed beneath: George Sassower

ORDER

Already below this space blank

IT IS HEREBY ORDERED that the motion be and it hereby is granted denied

[illegible] 93 APR 15 PM 3:36

A4

Date

Circuit Judge

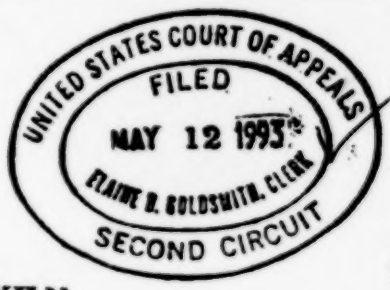
CONT
93-me-
Carter

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, in the City of New York, on the 12th day of May, one thousand nine hundred and ninety-three.

SASSOWER

v.



KREINDLER & RELKILN

Docket No.
93-6082

An order of this Court under 88-6203, Sassower v. Mahoney, dated December 3, 1990, enjoined George Sassower from filing any further papers in this Court unless leave of this Court has first been obtained. A notice of appeal was received from the district court in the above captioned action on April 5, 1993, and on April 6, 1993 a letter was sent to appellant Sassower informing him that failure to seek leave of this Court to process the notice of appeal on or before April 26, 1993 would result in dismissal. No such motion for leave having been received,

IT IS ORDERED that the above captioned appeal be and hereby is dismissed.

ELAINE B. GOLDSMITH, Clerk

by: Carolyn Clark Campbell
Carolyn Clark Campbell
Chief Deputy Clerk

A TRUE COPY
ELAINE B. GOLDSMITH, Clerk
By Carolyn Clark Campbell
Chief Deputy Clerk

A5